IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRI.W.P.NO.611 OF 2006

Raju S.Aswale ..Petitioner

Vs.

The State of Maharashtra
and Ors. ..Respondents

....

Mr.Madhav J.Jamdar Advocate for Petitioner
Mr.I.S.Thakur, A.P.P. for State

....

CORAM: D.G.DESHPANDE AND SMT.V.K.TAHILRAMANI,JJ.

DATE : APRIL 7,2006

ORDER ORDER : (PER SMT. V.K.TAHILRAMANI,J):

1. Heard learned advocate for the petitioner and learned A.P.P. for the State. Rule. By consent, rule is heard forthwith.

2. The petitioner had preferred application for furlough. The said application for furlough came to be rejected on the ground that the petitioner and the witnesses are residing close-by. It is also apprehended by the prosecution that if petitioner is released on furlough, he would threaten the witnesses. As far as this

apprehension is concerned, there is no material on record that petitioner at any time, had threatened any of the witnesses. Thus, we find this apprehension to be unfounded. As observed earlier, as there is no allegation against the petitioner himself that he had threatened any of the witnesses at any time, we are of the opinion that the petitioner can be released on furlough.

3. The petitioner be released on furlough in accordance with the usual terms and conditions. In addition thereto, the petitioner shall inform the address at which he will reside during the period that he is on furlough. He will report to the nearest police station to that address on every alternate day during the period that he is on furlough.

4. Rule made absolute in the above terms. Petition is disposed of.

[D.G.DESHPANDE, J.]

[SMT.V.K.TAHILRAMANI,J.]